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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Case No. 39576

) Subcase Nos.: See Exhibit A
) (Portneuf River Decrees)
)
)
) **MOTION TO WITHDRAW MOVANTS**
) **LAVA IRRIGATION COMPANY,**
) **LIMITED AND DEMPSEY IRRIGATING**
) **COMPANY'S MOTION TO ALTER OR**
) **AMEND ORDER OF PARTIAL DECREES**
) **ON PORTNEUF RIVER**

Comes now, Movants Lava Irrigation Company, Limited and Dempsey Irrigating Company, by and through counsel of record and hereby move the above entitled Court to allow the withdrawal their Motion to Alter or Amend Order of Partial Decrees on Portneuf River for the reason that the impacted parties have settled the issue and memorialized the terms of their settlement in the documents known as Addendum Agreement to the Portneuf River Settlement Agreement & Addendum Agreement, each on file herein, upon the condition that an order be made incorporating said Addendum Agreements into the partial decrees of the settling parties.

Dated this 14th day of December, 2007

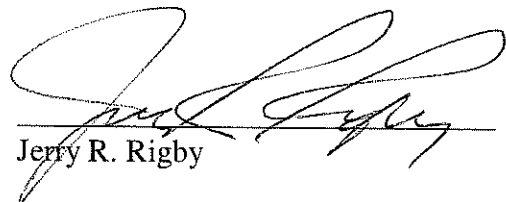

Jerry R. Rigby

Exhibit "A" (Portneuf River Decrees)

Subcase Nos:

29-00052
29-00053
29-00589
29-04060
29-04364
29-04467
29-10816
29-11277
29-11681
29-11773
29-11774
29-11775
29-13213
29-13279
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29-13310
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29-13407
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29-13536
29-13580
29-13581
29-13582
29-13583
29-13584
29-13586

CERTIFICATE OF MAILING

I certify that a true and correct copy of the Notice of Unavailable Dates was mailed on December 14, 2007, with sufficient first-class postage to the following:

INDIAN FALLS PROPERTY ASSN
INDIAN FALLS WATER USER ASSOC.

Represented by:
Craig W. Parrish
PO Box 4321
Pocatello, Idaho 83205

MCCAMMON DITCH CO LTD
MCCAMMON DITCH COMPANY

Represented by:
James A. Spinner
PO Box 6009
Pocatello, Idaho 83205

CARROLL & IONE WILLMORE ESTATE

Represented by:
Kent W. Foster
PO Box 50130
Idaho Falls, Idaho 83405

MARSH VALLEY DEVELOPMENT INC
PORTNEUF MARSH VALLEY CANAL

Represented by:
Randall C. Budge
PO Box 1391
Pocatello, Idaho 83204

PORTNEUF IRRIGATING CO
PORTNEUF IRRIGATING COMPANY

Represented by:
Randolph Calvin Stone
PO Box 910
Burley, Idaho 83318

I GLENN PERKINS
MARY D. PERKINS

Represented by:
Ronald J. Jarman
PO Box 6252
Pocatello, Idaho 83205

USDI BLM

Represented by:
US Department of Justice
Environment & Natl' Resources
550 West Fort Street, MSC 033
Boise, Idaho 83724

DEMPSEY IRRIGATION COMPANY

C/O Earl Smith
PO Box 235
Lava Hot Springs, Idaho 83246

TOPAZ IRRIGATION CO

C/O Gene Fagnant
PO Box 293
Lava Hot Springs, Idaho 83246

FISH CREEK IRRIGATING CO

C/O Wallace Whitehead
PO Box 152
Lava Hot Springs, Idaho 83246

FAGNANT & OLSON RANCH LLC

FRANCES GENE FAGNANT
PO Box 293
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LAVA IRRIGATION CO

PO Box 182
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PORTNEUF IRRIGATING CO

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Barbara W. Kevan
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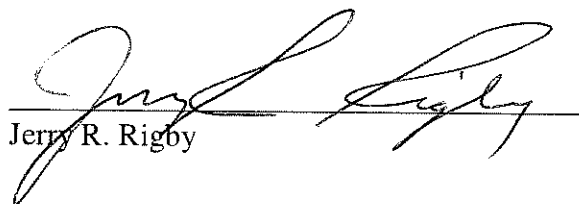
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